

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.

CITY OF CHICOPEE acting through)
CHICOPEE PUBLIC SCHOOLS,)
Plaintiff)
) CIVIL ACTION NO. 04-30087
v.)
)
DAVID T. As parent and next friend of)
KAITLYN T. and MASSACHUSETTS)
DEPARTMENT OF EDUCATION)
Defendants)
)

DEFENDANT'S MOTION FOR PRELIMINARY INJUNCTION RELIEF

COMES now the defendant, by and through her undersigned counsel, and moves this Court to issue a Preliminary Injunction ordering the Chicopee Public Schools, pursuant to the stay put rights afforded to her under the Individuals with Disability Act, 20 U.S.C 1415(j) to pay the tuition of Kaitlyn T., from September 2005 to May 24, 2006, and reimburse the parents for all costs associated with transporting the child to and from that placement.

Plaintiff states that:

- a) She will suffer irreparable harm if the injunction is not granted;
- b) There is a strong likelihood that she will succeed on the merits; and
- c) The balance of harm clearly favors her;
- d) Public policy supports maintaining the status quo placement while matters are being litigated.

The facts and the law in support of this Motion are set forth more fully in the accompanying Memorandum.

WHEREFORE, the Defendants respectfully move this Court to issue an Order for Preliminary Injunction Relief as requested above.

Respectfully Submitted
Kaitlyn T. by her attorney

July 21, 2006

Derek M. Beaulieu, Esq.
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CERTIFICATE OF SERVICE

I, Derek M. Beaulieu, Attorney for Kaitlyn T. hereby certify that on this day of July, 2006, I delivered by hand a copy of the DEFENDANT'S MOTION FOR PRELIMINARY INJUNCTIVE RELIEF to Claire Thompson, Esq., Doherty, Wallace/Pillsbury & Murphy, P.C., One Monarch Place Suite 1900, Springfield, MA 01144-1900

July 21, 2006

Derek M. Beaulieu, Esq.